



The Declaration of Restrictions, Covenants, Conditions, and Grant of Easements for Cruse Marketplace (Forsyth County, Georgia) outlines the operational and development requirements for the property. Below is a summary of the key provisions:¹

- **Term and Scope:** These restrictions are binding on all owners and occupants for an initial period of 20 years, automatically extending for successive 20-year terms. They run with the title to the respective tracts.¹
- **Use Restrictions:** Without prior written consent from the Shopping Center Tract owner, specific uses are prohibited, including manufacturing, adult entertainment, cinemas, skating rinks, and certain automotive services (with specific allowances for light service on Outparcel 4). Publix holds exclusive rights for grocery supermarket, bakery, and pharmacy operations within the property.¹
- **Architectural Approval:** An established architectural theme exists for the center. Owners must submit architectural plans and signage designs for the Shopping Center Tract owner's approval prior to construction.¹
- **Common Area Maintenance:** Owners must maintain their portions of the Common Area in a "first-class" condition comparable to similar retail developments in the market area. This includes adhering to specific lighting standards (from dusk to dawn).¹
- **Assessments:** Outparcel owners are subject to assessments to cover the costs of managing, maintaining, insuring, and paying taxes on "Common Maintenance Items," which include shared driveways, utility lines, and detention ponds.¹
- **Easements:** The declaration establishes perpetual non-exclusive easements for:
 - Vehicular and pedestrian access.¹
 - Installation and maintenance of utility lines.¹
 - Stormwater drainage.¹
 - Pylon signage (identifying specific easements for Pylon Sign 1 on Outparcel 2 and Pylon Sign 2 on the Shopping Center Tract).¹
- **Insurance:** Owners are required to maintain comprehensive general liability insurance with a minimum combined single limit of \$2,000,000 for bodily injury or property damage.

Summary of the development requirements for Outparcel 5.

Allowable Building & Development Standards

- **Building Count:** You are limited to constructing no more than one (1) building on the parcel.¹
- **Height Restrictions:** The building must be no more than one (1) story in height and must not exceed twenty-five (25) feet in total height.¹
- **Leasable Floor Area (LFA):** The LFA is limited by two primary factors:¹
 - **Site Plan Constraints:** It is limited to the square footage designated on the Site Plan (Exhibit C).¹
 - **Parking Capacity:** The total LFA is constrained by the requirement to maintain a parking ratio of at least five (5) vehicle parking spaces for every 1,000 square feet of LFA.¹
 - **Note on Calculation:** Unlike other outparcels, Outparcel 5 is specifically excluded from the requirement to include outdoor areas (such as patios or balconies used for retail/food service) in the calculation of Leasable Floor Area.¹

Use Restrictions

Outparcel 5 is subject to several strict use limitations. Please review these carefully as you evaluate potential tenants:

Prohibited Uses (Apply to all Tracts):

Without prior written consent from the Shopping Center Tract owner, you cannot operate a:

- Manufacturing operation, lumberyard, or dry cleaning plant.
- Adult entertainment facility, massage parlor, or adult bookstore.
- Cinema, theater, bowling alley, skating rink, or discotheque/dance hall/nightclub.
- Amusement gallery, pool room, health spa, gymnasium, or pinball/electronic game room.
- "Head shop," funeral parlor, flea market, bingo parlor, or cafeteria.
- Car wash (unless specific exemptions are granted).
- Any activity in the Common Areas that would make parking spaces unavailable to customers.¹

Additional Exclusive Uses (Specific to Outparcel 5):

Outparcel 5 is **not** exempt from the "Additional Exclusive Uses" listed in Paragraph 11.1.3, meaning you are restricted from operating the following on this parcel:

- **Motor Fuel Use:** Gasoline service stations (any business selling gasoline, kerosene, etc., for internal combustion engines).

- **Convenience Store Use:** Any store containing less than 8,000 square feet specializing in the high-turnover sale of food and sundries (e.g., 7-Eleven, Circle-K).
- **Automotive Service Use:** Fast lubrication services, tire installation, or general automotive maintenance/repair.
- **Propane Use:** Sale of bulk propane.
- **Commercial Banking:** Operating as a commercial banking facility as a primary business purpose.¹

General Grocery/Pharmacy Restriction:

Except for the Publix Premises, no portion of the property—including outparcels—can be used for a grocery supermarket, bakery, delicatessen, fish market, or the retail sale of drugs dispensed by a pharmacist, although certain specialty food operations (like sit-down restaurants, ice cream parlors, or specialty bakeries) may be permissible under specific conditions.¹

Zoning classifications for Forsyth County commercial and office development. It categorizes districts based on intensity, target market radius, and intended "human scale":²

- **Commercial Business District (CBD):** Higher intensity, regional-serving commercial uses.²
- The section on the Buford Highway Overlay is 21-11.1-11 and on the South Forsyth Commercial is 12-13.1-21.

